

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW YORK

ANTHONY CAFISO and MEGAN CAFISO, :
 :
 PLAINTIFFS, :
 :
 v. : Case No.
 :
 UNITED STATES OF AMERICA, :
 :
 :
 DEFENDANT.

ORIGINAL COMPLAINT

PARTIES

1. Plaintiff Anthony Cafiso is a citizen of New Jersey who presently resides at 429 Franklin Turnpike, Apt. 3, Mahwah, Bergen County, New Jersey.

2. Plaintiff Megan Cafiso is a citizen of New Jersey who presently resides at 58 North Railroad Avenue, Mahwah, Bergen County, New Jersey.

3. Defendant United States of America (hereinafter "United States") is a sovereign nation, whose address is in Washington, D.C. It is responsible for the U.S. Postal Service.

JURISDICTION

4. The jurisdiction of this Court is invoked pursuant to Federal Tort Claims Act 28 U.S.C. §1346.

5. Plaintiff Anthony Cafiso has provided an administrative claim to the United States. The claim was denied by the United States on April 11, 2022.

6. Plaintiff Anthony Cafiso has six months from April 11, 2022 to file suit under 28 U.S.C. §2401(b) and 39 C.F.R. 912.9(a).

FACTS

7. Plaintiff Anthony Cafiso was a customer of the U.S. Postal Service at its Post Office located at 46 Industrial Avenue, Mahwah, New Jersey on March 22, 2019.

8. Plaintiff Anthony Cafiso was injured due to the unsafe condition of the steps at the Mahwah Post Office.

9. The United States Post Office was a long-term tenant at the said property.

10. The United States Post Office was responsible for maintenance of the premises including the steps.

11. The steps of the property were seriously deteriorated, broken and were otherwise unsafe and dangerous.

12. Upon information and belief, the United States was aware of the unsafe condition of the premises including the steps prior to March 22, 2019 and failed to properly repair same.

13. It was the duty of the United States and its employees at the Mahwah Post Office to inspect the steps, to post warnings, to remove the

unsafe conditions and do other repairs, which did not take place.

14. The landlord, Hendon Realty Associates, LLC is the subject of a separate lawsuit that has been removed to this Court. It is requested that the two cases be consolidated and/or joined.

15. Hendon Realty indicates that the responsibility for the steps belonged to the U.S. Postal Service.

16. The conduct of the employees of Defendant United States Post Office was negligent.

17. Defendant United States failed to properly notify the landlord to repair the steps.

18. The condition of the steps, including the railing, constituted a nuisance for which Defendant United States is responsible.

19. On or about March 22, 2019 an unsafe condition existed. Defendant United States knew or should have known of said condition. It failed to repair same and/or post proper warnings.

20. As a direct result, Plaintiff Anthony Cafiso was caused to fall and sustained permanent and serious injuries, experienced pain and suffering, incurred medical and other expenses and was unable to engage in his usual activities, all of which will continue in the future.

WHEREFORE, Plaintiff Anthony Cafiso demands judgment against Defendant United States for damages, interest and cost of suit. Plaintiff requests \$1,000,000.00.

SECOND COUNT

21. Plaintiff Megan Cafiso repeats each and every allegation contained in the above Counts as if set forth here in its entirety.

22. Plaintiff Megan Cafiso was the wife of Plaintiff Anthony Cafiso at all times relevant hereto.

23. Plaintiff Megan Cafiso and Plaintiff Anthony Cafiso are currently separated and going through a divorce.

24. As a result of the injuries suffered by her husband Anthony Cafiso, Plaintiff Megan Cafiso suffered the loss of his usual services and consortium and was required to provide services and care to him.

WHEREFORE, Plaintiff Megan Cafiso demands judgment against Defendant United States for damages, interest and cost of suit.



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